

O'BRIEN
Serial No. 10/052,106

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REMARKS

(u) Claims 1-5 and 7 stand rejected in the outstanding Official Action. Claim 5 has been cancelled and the subject matter thereof added to amended claim 1. Therefore, claims 1-4 and 7 are the only claims remaining in this application.

(u) The Examiner's acknowledgment of applicant's claim for priority and receipt of the certified copy of the priority document is very much appreciated. Additionally, the Examiner's consideration of the prior art submitted with applicant's Information Disclosure Statements is very much appreciated.

(c) Claims 1-5 and 7 stand rejected under 35 USC 102(b) as being anticipated by Pizzi '380. The Examiner alleges that the Pizzi reference shows the method of claims 1-5 and 7 on pages 19 and 20 of that reference. However, this is not believed to be the case, as at least the limitation set out in claim 5, i.e. empty or idle ATM cells are eliminated/used to substantially match input and output rates of an ATM link is not disclosed on pages 19 and 20 of the Pizzi reference. However, should the Examiner believe that the feature of former claim 5, now incorporated into independent claim 1, is shown in the Pizzi reference, he is respectfully requested to specifically point out the page and line number of such disclosure. Absent such disclosure, it is submitted that amended claim 1 and claims 2-4 and 7 dependent thereon clearly define over the Pizzi reference.

(u) The Examiner's notation that Pizzi is "an X reference for claims 1-7 on the UK search report" is appreciated. However, it is also pointed out that the UK search report is a

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search report accomplished by the UK Patent Office with respect to a UK patent application. It has no precedential or informational value which is pertinent to the examination of the U.S. application and the U.S. claims. In fact, it is related to a whole different patent law which is not the same as Title 35 in the United States. Accordingly, the fact that Pizzi is an X reference in another country's patent system is not pertinent to any future rejection of claims 1-4 and 7 based upon the Pizzi reference.

(u) Having responded to all objections and rejections set forth in the outstanding Official Action, it is submitted that claims 1-4 and 7 are in condition for allowance and notice to that effect is respectfully solicited. In the event the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, he is respectfully requested to contact applicant's undersigned representative.

Respectfully submitted,

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